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10 *Attorneys for Defendant T-Mobile USA, Inc.*  
11 *d/b/a Metro by T-Mobile*

12 **UNITED STATES DISTRICT COURT**  
13 **NORTHERN DISTRICT OF CALIFORNIA**  
14 **OAKLAND DIVISION**  
15

16 JOHN PACHIVAS,  
17 Plaintiff,  
18 vs.  
19 T-MOBILE USA, INC. and DOES 1-10,  
20 inclusive,  
21 Defendants.  
22

Case No. 4:22-cv-02995-HSG

**STIPULATION AND ORDER  
REGARDING SCHEDULING**

Action Filed: March 18, 2022

1 Pursuant to Local Rule 6-2 and 7-12, Plaintiff John Pachivas and Defendant T-Mobile  
2 USA, Inc. hereby stipulate as follows.

3 A. On March 18, 2022, Mr. Pachivas filed an action in the Superior Court of the State  
4 of California in and for the County of Santa Clara (ECF No. 1-1);

5 B. T-Mobile filed a Notice of Removal of the state court action on May 20, 2022,  
6 (ECF No. 1), and the parties have agreed to an effective service date of Defendant's Notice of  
7 Removal of June 1, 2022, for any responsive documents to T-Mobile's removal due to an  
8 inadvertent service mistake for the removal papers;

9 C. On May 27, 2022, T-Mobile filed a Motion to Compel Arbitration (ECF No. 3) and  
10 set the motion for hearing on July 5, 2022;

11 D. The Court set the initial case management conference for August 23, 2022, at  
12 9:30 a.m. (ECF No. 4);

13 E. Plaintiff's counsel was unavailable to attend the hearing set for July 5, 2022, and  
14 the parties agreed to file a stipulation to continue the hearing (ECF No. 7);

15 F. The Court granted the parties' stipulation and set the hearing for August 9, 2022  
16 (ECF No. 8);

17 G. On June 29, 2022, the Court's Reassignment Order vacated all law and motion  
18 hearing dates and ordered the parties to re-notice any hearing dates (ECF No. 10);

19 H. The Court set the case management conference for September 13, 2022, at  
20 2:00 p.m. (ECF No. 13);

21 I. The parties agreed to a new hearing date and Defendant's counsel re-noticed the  
22 hearing for November 3, 2022 (ECF No. 15);

23 J. The Court re-set the hearing for November 3, 2022 (ECF No. 16);

24 K. The parties further agreed to modify the briefing schedule, as set forth below; and

25 L. There was one prior request for a continuance of the hearing, briefing schedule,  
26 and case management conference in this action, however, the modified schedule is not expected to  
27 delay the resolution of this action.  
28

1           **IT IS HEREBY STIPULATED AND AGREED** by and between the parties that:

2           1.       Plaintiff's Opposition to the Motion to Compel Arbitration, if any, shall be filed by  
3       October 6, 2022;

4           2.       Defendants' Reply Memorandum in Support of the Motion to Compel Arbitration,  
5       if any, shall be filed by October 20, 2022;

6           3.       The initial case management conference set for September 13, 2022, at 2:00 p.m.  
7       shall be continued until December 13, 2022, at 2:00 p.m.

8  
9       Dated: July 14, 2022

DINCEL LAW GROUP APC

10           By: /s/ Kim O. Dincel  
11               Kim O. Dincel

12           *Attorneys for Plaintiff*  
13           *John Pachivas*

14       Dated: July 14, 2022

DAVIS WRIGHT TREMAINE LLP

15           By: /s/ James H. Moon  
16               James H. Moon

17           *Attorneys for Defendant*  
18           *T-Mobile USA, Inc. d/b/a Metro by T-Mobile*

**ORDER**

**PURSUANT TO STIPULATION, IT IS SO ORDERED.**

Dated: 7/27/2022

  
Hon. Haywood Gilliam, Jr.

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